

**GOVERNMENT OF TELANGANA
ABSTRACT**

Public Services – Disciplinary Proceedings against Sri P.V.Babu Rao, Reserve Inspector (Retired) – Withholding of 40% cut in pension on permanent basis – Orders – Issued.

HOME (SER-I) DEPARTMENT

G.O.RT.No. 446.

Dated:21-11-2014

Read the following:-

- 1.From the D.G.P., AP., Hyderabad, Lr. Rc. No.1136/Appeal-4/2005, dated:8.11.2013
- 2.Govt. Memo. No.39353/Ser.I/A2/2013-4, dated:28.7.2014
- 3.From Sri P.V.Babu Rao, Reserve Inspector (Retired), representation dated:6.9.2011
- 4.Govt. Letter No.39353/Ser.I/A2/2013-5, dated:15.10.2014
- 5.From the Secretary (FAC), APPSC, Hyderabad, Lr. No.1173/RT/2/2014, dated:17.11.2014

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ORDER:-

In the reference 1st read above, the Director General of Police, A.P., Hyderabad, has reported that DIG-III, HAC of DIG-II, APSP Bns, Hyderabad, in his letter dated 28.09.2013 has informed that Sri P.V. Babu Rao, RI (Retied) of 8th Bn, APSP, Kondapur was handed up on a charge for the following delinquency:-

“Grave misconduct and dereliction of duty in absenting from duties with effect from 30.10.1997 AN unauthorizedly form coy Hqrs, Adilabad District” and for misappropriations of company funds to the tune of Rs.96,265-25 from the Cash Box of “E” coy, 8th Bn, APSP, Kondapur”

The Enquiry Officer conducted ex-parte enquiry as the appellant did not attend the O.E., and submitted the charge “Proved”. He was awarded the punishment of ‘dismissal from service’ and the absence period from 30.10.1997 to the date of final order i.e., 10.05.1999 was treated as ‘not on duty’ vide proceedings No.1290/A3/1997 (R.O.No.194/199) dated 10.05.1999 of DIG of Police, APSN Bns, Hyderabad.

2. Aggrieved by the above said orders, the petitioner submitted an appeal petition to the Appellate Authority ie., IGP, APSP, Bns, Hyderabad which was considered and rejected vide proceedings No.79/APP/A3/2002 (HOO No.242/2002) dated 7-9/10-2012. Aggrieved by the above orders, the petitioner submitted a revision petition to the Revisional authority, ie., Addl., ADGP (Admn), A.P., Hyderabad which was considered and rejected vide Procs.T.Dis.No.188/Appeal-4/2013, dated 26.02.2003.

3. He filed an OA No.3038/2004 in the Hon’ble APAT and the Hon’ble APAT in its final orders dated 23.11.2004 has directed the respondents to give fresh opportunity to the applicant to answer the allegations made against him by serving a fresh charge memo, if they so desire, meanwhile release the provisional pension of the applicant to the extent of 75 % duly recovering amount if any, due from him. This is however, without prejudice subject to any orders issued in proceedings taken against him in TDP dealt with in T.E.C 9/97.

4. The DGP, AP, Hyderabad has further informed that, against the said APAT orders, W.P.No.5455 of 2005 filed in the Hon’ble High Court and the same was dismissed on 01.04.2005 upholding the orders of APAT. Hence, Government have been addressed for implementation of the said APAT orders. In this regard, Government in G.O.Rt.No.19, Home (Ser.I) Department, dated 04.01.2006 accorded sanction under rule 9 (2) (b) of the AP Revised Pension Rules, 1980 to initiate departmental proceedings freshly against the applicant in accordance with the procedure laid down in rule 20 of APCS (CC&A) Rules, 1991.

5. Accordingly, the DIG-II, APSP Bns, Hyderabad was implemented the orders of Hon’ble APAT dated 23.11.2004 in OA No.3038/2004 by setting aside the ‘dismissal’ orders and he was reinstated into service and reported for duty on 27.06.2002 and retired from service on superannuation pension with effect from 30.06.2002. Further as per the G.O.Rt.No.19, Home (Ser.I) Department, dated 04.01.2006 a fresh Article of Charge against him was served. He has acknowledged the receipt of the charge memo on 28.01.2006, but failed to submit his explanation to the Article of Charge.

6. The Commandant 4th Bn, APASP was appointed as Enquiry Officer to conduct the OE and the Commandant, 4th Bn, APSP has returned the OE for the appointment of new enquiry officer as he was transferred to another unit. The Commandant 1st Bn, APSP was appointed as Enquiry Officer to complete the OE at the earliest. But the charged officer deliberately prolonged the OE for repeatedly making cross examinations. Therefore, the Enquiry Officer has submitted the findings and held the charge as "Proved". A copy of the enquiry report along with a memo was communicated to the charged officer to submit his final explanation. The charged officer submitted his final explanation on 15.09.2013.

7. The D.G.P., AP., Hyderabad, finally while enclosing the OE records, has requested the Government to dispose the OE against the retired charged officer, as per rule 9 of A.P. Revised Pension Rules, 1980.

8. The Government after careful examination of the matter, accepted the findings of the Inquiry Authority and based on the records made available, have provisionally decided to impose the penalty of **withholding of 40% cut in pension on permanent basis**, on Sri P.V.Babu Rao, Reserve Inspector (now retired), 8th Bn., APSP, Kondapur, R.R. District, under Rule (9) of A.P. Revised Pension Rules, 1980. Accordingly, while enclosing a copy of the report of the Enquiry Officer, a Show cause notice has been served on the charged officer duly specifying the above punishment, with instructions to submit his representation on the proposed punishment as required under rule 9 of AP Revised Pension Rules, 1980 vide reference 2nd read above.

9. In the reference 3rd read above, the charged officer has submitted a representation and requested to drop disciplinary proceedings initiated against him. The Government, after careful examination of the entire matter, with reference to the records made available, decided to confirm the provisional decision for imposing the punishment of **withholding of 40% cut in pension on permanent basis**, on Sri P.V.Babu Rao, Reserve Inspector (Retired)

10. The Secretary, A.P. Public Service Commission, Hyderabad in her letter 5th read above, has conveyed the concurrence of the commission on the proposal of the Government.

11. Government after careful examination of the entire matter, hereby impose the penalty of **withholding of 40% cut in pension on permanent basis** on Sri P.V.Babu Rao, Reserve Inspector (Retired), under Rule-9 (1) of A.P. Revised Pension Rules, 1980, read with rule 20 of APCS (CC&A) Rules, 1991.

12. A copy of the letter 5th read above, received from the Secretary, A.P. Public Service Commission, is herewith furnished to Sri P.V.Babu Rao, Reserve Inspector (Retired), as required under Rule-44 of APCS (CC&A) Rules, 1991.

13. The Director General of Police, Telangana, Hyderabad, is requested to take follow up action on implementation of the said penalty. The original OE records received is herewith returned to the D.G.P. Telangana, Hyderabad, which should be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**AJAY MISRA
PRINCIPAL SECRETARY TO GOVERNMENT**

To
Sri P.V.Babu Rao, Reserve Inspector (Retired)
thru the D.G.P. Telangana, Hyderabad.
The Director General of Police, Telangana, Hyderabad (w.e.)

Copy to:-

The Accountant General, Telangana, Hyderabad.
The Secretary, A.P. Public Service Commission, Hyderabad
SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER